

the United States and certain British colonial possessions is requested, I transmit a report from the Postmaster-General and the document by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 28, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, requesting copies of correspondence in regard to an extradition treaty with Belgium, I transmit a report from the Secretary of State and the documents by which it was accompanied.

U. S. GRANT.

EXECUTIVE MANSION, *May 31, 1872.*

To the Senate and House of Representatives:

I have the honor to respectfully call the attention of Congress to an act approved July 14, 1870, directing the Secretary of War to place at the disposal of the President certain bronze ordnance, to aid in the erection of an equestrian statue of the late General John A. Rawlins, and to the facts that no appropriation of money to pay for the statue is made by the resolution and no artist is named or party designated to whom the ordnance is to be delivered. In view of the ambiguity of the statute, I would recommend that Congress signify what action is desired as to the selection of the artist, and that the necessary sum required for the erection of the monument be appropriated. A board of officers should also be named to designate the location of the monument.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *March 28, 1872.*

To the House of Representatives:

I herewith return, for the further consideration of Congress, without my approval, House bill No. 1550, "An act for the relief of the estate of Dr. John F. Hanks," for the reason that the records of the Treasury Department show that the current moneys taken by Colonel S. B. Holabird from the Louisiana State Bank of New Orleans in the month of August, 1862, were accounted for by that officer to the Treasury Department, and the names of the depositors given, and that the name of Dr. John F. Hanks does not appear among them.

It also appears from the records of the Treasury Department that among the effects taken from the Louisiana State Bank of New Orleans was the sum of \$1,729 of Confederate money, and that the said sum stood upon the books of said bank to the credit of J. F. Hanks. It is but justice,

however, to the executors of the estate of Dr. Hanks to state that there is every reason to believe that the money deposited by Dr. Hanks in the Louisiana State Bank was in current funds, and that when application was made to Congress for the recovery of the same they believed, and had evidence to satisfy them, that such funds had found their way into the Treasury of the United States. There has unquestionably been a mistake made, either by the officers of the Louisiana State Bank or the persons engaged in removing the funds of that bank, by which the estate of Dr. Hanks is loser to the amount of relief afforded by House bill No. 1550.

Accompanying this I send the statement furnished by the Secretary of the Treasury of the funds covered into his Department, and accounted for through it, arising from the seizure of funds of the Louisiana State Bank of New Orleans in the month of August, 1862.

U. S. GRANT.

EXECUTIVE MANSION, *April 1, 1872.*

To the House of Representatives:

I return herewith, for the further consideration of Congress, House bill No. 1867, "An act for the relief of James T. Johnston," without my approval, for the reason that the records of the Treasury Department show that the lot sold in the name of J. T. Johnston, situate on Prince street, Alexandria, Va., for taxes due the United States, is numbered 162, instead of 163, as represented in this bill. With the exception of this discrepancy in the number of the lot there is no reason why the bill should not receive my approval.

U. S. GRANT.

WASHINGTON, *April 10, 1872.*

To the House of Representatives:

I have received and taken into consideration the bill entitled "An act for the relief of the children of John M. Baker, deceased," and, pursuant to the duty required of me by the Constitution, I return the same with my objections to the House of Representatives, in which it originated.

The bill proposes to pay a sum of money to the children of John M. Baker, deceased, late United States consul at Rio Janeiro, for services of that person as acting chargé d'affaires of the United States in the year 1834. So far as it can be ascertained it is apprehended that the bill may have received the sanction of Congress through some inadvertence, for upon inquiry at the proper Department it appears that Mr. Baker never did act as chargé d'affaires of the United States at Rio Janeiro, and that he was not authorized so to act, but, on the contrary, was expressly forbidden to enter into diplomatic correspondence with the Government of Brazil.

The letter of the 8th of February, 1854, a copy of which is annexed, addressed by William L. Marcy, then Secretary of State, to James M.

Mason, chairman of the Committee on Foreign Relations of the Senate, specifies objections to the claim, which it is believed have not since diminished, and in which I fully concur.

U. S. GRANT.

EXECUTIVE MANSION, April 15, 1872.

To the Senate of the United States:

I return without my approval an act entitled "An act granting a pension to Abigail Ryan, widow of Thomas A. Ryan." The name of Mrs. Ryan is now borne upon the pension rolls, pursuant to an act of Congress entitled "An act for the relief of Mrs. Abigail Ryan," approved June 15, 1866 (14 U. S. Statutes at Large, p. 590).

U. S. GRANT.

EXECUTIVE MANSION, April 22, 1872.

To the House of Representatives:

I return herewith House resolution No. 622, entitled "An act granting a pension to Richard B. Crawford," without my approval, for the reason that said Crawford is now drawing a pension as a private soldier, the wound on account of which he was pensioned having been received before his promotion to a lieutenancy.

U. S. GRANT.

EXECUTIVE MANSION, May 14, 1872.

To the Senate of the United States:

I have the honor to return herewith the bill (S. 955) entitled "An act granting a pension to Mary Ann Montgomery, widow of William W. Montgomery, late captain in Texas Volunteers," without my approval, inasmuch as the concluding phrase, "and in respect to her minor children under 16 years of age," has obviously no meaning whatsoever. If it were the intention of the framer of the bill that the pension thereby granted should revert to said minor children upon the remarriage or death of the widow, the phrase referred to should read as follows: "And in the event of her remarriage or death, to her minor children under 16 years of age." I therefore return the bill for proper action.

U. S. GRANT.

WASHINGTON, June 1, 1872.

To the Senate of the United States:

I have examined the bill entitled "An act for the relief of J. Milton Best," and, being unable to give it my approval, return the same to the Senate, the House in which it originated, without my signature.

The bill appropriates the sum of \$25,000 to compensate Dr. J. Milton Best for the destruction of his dwelling house and its contents by order

of the commanding officer of the United States military forces at Paducah, Ky., on the 26th day of March, 1864. It appears that this house was one of a considerable number destroyed for the purpose of giving open range to the guns of a United States fort. On the day preceding the destruction the houses had been used as a cover for rebel troops attacking the fort, and, apprehending a renewal of the attack, the commanding officer caused the destruction of the houses. This, then, is a claim for compensation on account of the ravages of war. It can not be denied that the payment of this claim would invite the presentation of demands for very large sums of money; and such is the supposed magnitude of the claims that may be made against the Government for necessary and unavoidable destruction of property by the Army that I deem it proper to return this bill for reconsideration.

It is a general principle of both international and municipal law that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great public danger, and when the public safety demands it; and in this latter case governments do not admit a legal obligation on their part to compensate the owner. The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations are generally considered to fall within the last-mentioned principle. If a government makes compensation under such circumstances, it is a matter of bounty rather than of strict legal right.

If it be deemed proper to make compensation for such losses, I suggest for the consideration of Congress whether it would not be better, by general legislation, to provide some means for the ascertainment of the damage in all similar cases, and thus save to claimants the expense, inconvenience, and delay of attendance upon Congress, and at the same time save the Government from the danger of having imposed upon it fictitious or exaggerated claims supported wholly by *ex parte* proof. If the claimant in this case ought to be paid, so ought all others similarly situated; and that there are many such can not be doubted. Besides, there are strong reasons for believing that the amount of damage in this case has been greatly overestimated. If this be true, it furnishes an illustration of the danger of trusting entirely to *ex parte* testimony in such matters.

U. S. GRANT.

EXECUTIVE MANSION, June 7, 1872.

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 569, an act entitled "An act for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri," without my approval.

This claim, for which \$11,250 are appropriated by this bill, is of the same nature and character as the claim of Dr. J. Milton Best, which was returned to the Senate on the 1st instant without my signature.

The same reasons which prompted the return of that bill for reconsideration apply in this case, which also is a claim for compensation on account of the ravages of war, and comes under the same general principle of both international and municipal law, that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great public danger, and when the public safety demands it; and in the latter case governments do not admit a legal obligation on their part to compensate the owner.

The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations are generally considered to fall within the last-mentioned principle, and if a government makes compensation under such circumstances it is a matter of bounty rather than of strict legal right. If it be deemed proper to make compensation for such losses, I renew my recommendation that provision be made by general legislation for all similar cases.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory information has been received by me, through Don Mauricio Lopez Roberts, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, that the Government of that country has abolished discriminating duties heretofore imposed on merchandise imported from all other countries, excepting the islands of Cuba and Porto Rico, into Spain and the adjacent islands in vessels of the United States, said abolition to take effect from and after the 1st day of January next:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after the said 1st day of January next, so long as merchandise imported from any other country, excepting the islands of Cuba and Porto Rico, into the ports of Spain and the islands adjacent thereto in vessels belonging to citizens of the United States shall be exempt from discriminating duties,

any such duties on merchandise imported into the United States in Spanish vessels, excepting from the islands of Cuba and Porto Rico, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of December, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the first section of the act of Congress approved the 11th day of June, 1864, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation; and

Whereas due inquiry having been made and a satisfactory answer having been received that similar provisions are in force in the United Kingdoms of Sweden and Norway:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington, this 11th day of May, A. D. 1872, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen,

and mechanics employed by or on behalf of the Government of the United States; and

Whereas on the 19th day of May, A. D. 1869, by Executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor; and

Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of May, A. D. 1872, and of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved May 22, 1872, removes all political disabilities imposed by the third section of the fourteenth article of amendments to the Constitution of the United States from all persons whomsoever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses and officers in the judicial, military, and naval service of the United States, heads of Departments, and foreign ministers of the United States; and

Whereas it is represented to me that there are now pending in the several circuit and district courts of the United States proceedings by *quo warranto* under the fourteenth section of the act of Congress approved May 31, 1870, to remove from office certain persons who are alleged to hold said offices in violation of the provisions of said article of amendment to the Constitution of the United States, and also penal prosecutions

against such persons under the fifteenth section of the act of Congress aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct all district attorneys having charge of such proceedings and prosecutions to dismiss and discontinue the same, except as to persons who may be embraced in the exceptions named in the act of Congress first above cited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of June, A. D. 1872, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory information has been received by me from His Majesty the Emperor of Japan, through an official communication of Mr. Arinori Mori, His Majesty's chargé d'affaires, under date of the 2d instant, that no other or higher duties of tonnage or impost are imposed or levied in the ports of the Empire of Japan upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country than are levied on Japanese ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 24th day of May, 1828, do hereby declare and proclaim that from and after the said 2d instant, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Japanese vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessels, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 4th day of September, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

CHARLES HALE,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the revolution of another year has again brought the time when it is usual to look back upon the past and publicly to thank the Almighty for His mercies and His blessings; and

Whereas if any one people has more occasion than another for such thankfulness it is the citizens of the United States, whose Government is their creature, subject to their behests; who have reserved to themselves ample civil and religious freedom and equality before the law; who during the last twelvemonth have enjoyed exemption from any grievous or general calamity, and to whom prosperity in agriculture, manufactures, and commerce has been vouchsafed:

Now, therefore, by these considerations, I recommend that on Thursday, the 28th day of November next, the people meet in their respective places of worship and there make their acknowledgments to God for His kindness and bounty.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of October, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas upon information received by me from His Majesty the Emperor of the French that discriminating duties before the date of said information levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States were discontinued and abolished, and in pursuance of the provisions of an act of Congress of the 7th of January, 1824, and of an act in addition thereto of the 24th of May, 1828, I did, on the 12th day of June, 1869, issue my proclamation* declaring that the discriminating duties before that date levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels were thereby discontinued and abolished; and

Whereas upon information subsequently received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the country of its origin or from other countries, had been discontinued, I did, on the 20th of November, 1869,

* See pp. 15-16.

in pursuance of the provisions of the said acts of Congress and by the authority in me vested thereby, issue my proclamation* declaring that the discriminating duties before that date levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, were thereby discontinued and abolished; and

Whereas by the provisions of the said acts of Congress of January 7, 1824, and of the 24th of May, 1828, as well as by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, the said suspension of discriminating duties upon merchandise imported into the United States in French vessels was granted by the United States on condition that, and to continue so long as, merchandise imported into France in vessels of the United States should be admitted into the ports of France on the same terms of exemption from the payment of such discriminating duties; and

Whereas information has been received by me that by a law of the French Republic passed on the 30th of January, 1872, and published on the 3d of February, 1872, merchandise imported into France in vessels of the United States from countries other than the United States is (with the exception of certain articles enumerated in said law) subjected to discriminating duties; and

Whereas by the operation of said law of the French Republic of the 30th of January, 1872, the exemption of French vessels and their cargoes granted by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, in accordance with the provisions of the acts of Congress aforesaid, has ceased to be reciprocal on the part of France toward vessels owned by citizens of the United States and their cargoes:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date the said suspension of the collection of discriminating duties upon merchandise imported into the United States in French vessels from countries other than France, provided for by my said proclamations of the 12th day of June, 1869, and the 20th day of November, 1869, shall cease and determine, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States are hereby revived, and shall henceforth be and remain in full force as relates to goods and merchandise imported into the United States in French vessels from countries other than France, so long as any discriminating duties shall continue to be imposed by France upon goods and merchandise imported into France in vessels of the United States from countries other than the United States.

* See p. 19.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of October, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS

WASHINGTON, *April 16, 1872.*

The Advisory Board of the civil service, having completed the grouping contemplated by the rules already adopted, have recommended certain provisions for carrying the rules into effect.

The recommendations as herewith published are approved, and the provisions will be enforced as rapidly as the proper arrangements can be made; and the thirteenth of the rules adopted on the 19th day of December last is amended to read as published herewith.

The utmost fidelity and diligence will be expected of all officers in every branch of the public service. Political assessments, as they are called, have been forbidden within the various Departments; and while the right of all persons in official position to take part in politics is acknowledged, and the elective franchise is recognized as a high trust to be discharged by all entitled to its exercise, whether in the employment of the Government or in private life, honesty and efficiency, not political activity, will determine the tenure of office.

By the President:

HAMILTON FISH,
Secretary of State.

U. S. GRANT.

[For rules for the civil service promulgated by the President December 19, 1871, see pp. 157-159.]

[Rule 13, as amended.]

13. From these rules are excepted the heads of Departments, Assistant Secretaries of Departments, Assistant Attorneys-General, Assistant Postmasters-General, Solicitor-General, Solicitor of the Treasury, Naval Solicitor, Solicitor of Internal Revenue, examiner of claims in the State Department, Treasurer of the United States, Register of the Treasury, First and Second Comptrollers of the Treasury, other heads of bureaus in the several Departments, judges of the United States courts, district attorneys, private secretary of the President, ambassadors and other public ministers, Superintendent of the Coast Survey, Director of the Mint, governors of Territories, special commissioners, special counsel, visiting and examining boards, persons appointed to positions without compensation for services, dispatch agents, and bearers of dispatches.

REGULATIONS AND CLASSIFICATION.

1. No person will be appointed to any position in the civil service who shall not have furnished satisfactory evidence of his fidelity to the Union and the Constitution of the United States.

2. The evidence in regard to character, health, age, and knowledge of the English language required by the first rule shall be furnished in writing, and if such evidence shall be satisfactory to the head of the Department in which the appointment is to be made the applicant shall be notified when and where to appear for examination; but when the applicants are so numerous that the examination of all whose preliminary papers are satisfactory is plainly impracticable, the head of the Department shall select for examination a practicable number of those who are apparently best qualified.

3. Examinations to fill vacancies in any of the Executive Departments in Washington shall be held not only at the city of Washington, but also, when directed by the head of the Department in which the vacancy may exist, in the several States, either at the capital or other convenient place.

4. The appointment of persons to be employed exclusively in the secret service of the Government, also of persons to be employed as translators, stenographers, or private secretaries, or to be designated for secret service, to fill vacancies in clerkships in either of the Executive Departments at Washington, may be excepted from the operation of the rules.

5. When a vacancy occurs in a consular office of which the lawful annual compensation is \$3,000 or more, it will be filled, at the discretion of the President, either by the transfer of some person already in the service or by a new appointment, which may be excepted from the operation of the rules. But if the vacancy occur in an office of which the lawful annual compensation, by salary or by fees ascertained by the last official returns, is more than \$1,000 and less than \$3,000, and it is not filled by transfer, applications will be addressed to the Secretary of State, inclosing proper certificates of character, responsibility, and capacity, and the Secretary will notify the applicant who upon investigation appears to be most suitable and competent to attend for examination; and if he shall be found qualified he will be nominated for confirmation, but if not found qualified, or if his nomination be not confirmed by the Senate, the Secretary will proceed in like manner with the other applicants who appear to him to be qualified. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. The appointment of commercial agents and of consuls whose annual compensation is \$1,000 or less (if derived from fees, the amount to be ascertained by the last official returns), of vice-consuls, deputy consuls, and of consular agents and other officers who are appointed upon the nomination of the principal officer, and for whom he is responsible upon his official bond, may be, until otherwise ordered, excepted from the operation of the rules.

6. When a vacancy occurs in the office of collector of the customs, naval officer, appraiser, or surveyor of the customs in the customs districts of New York, Boston and Charlestown, Baltimore, San Francisco, New Orleans, Philadelphia, Vermont (Burlington), Oswego, Niagara, Buffalo Creek, Champlain, Portland and Falmouth, Corpus Christi, Oswegatchie, Mobile, Brazos de Santiago (Brownsville), Texas (Galveston, etc.), Savannah, Charleston, Chicago, or Detroit, the Secretary of the Treasury shall ascertain if any of the subordinates in the customs districts in which such vacancy occurs are suitable persons qualified to discharge efficiently the duties of the office to be filled; and if such persons be found he shall certify to the President the name or names of those subordinates, not exceeding three, who in his judgment are best qualified for the position, from which the President will make the nomination to fill the vacancy; but if no such subordinate be found qualified, or if the nomination